

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

GARY RHINES,	:	
Plaintiff	:	CIVIL ACTION NO. 3:18-1643
v.	:	
		(JUDGE MANNION)
Dr. DAVID BALL, <u>et al.</u>,	:	
Defendants	:	

GARY RHINES,	:	
Plaintiff	:	CIVIL ACTION NO. 20-0825
v.	:	
		(JUDGE MANNION)
UNITED STATES OF AMERICA , <u>et al.</u>,	:	
DEFENDANTS	:	

ORDER

On August 20, 2018, Plaintiff filed Rhines v. Dr. Ball, et al., Civil No. 3:18-cv-1643, a Bivens action for damages and injunctive relief, alleging denial of medical care in violation of the Eighth Amendment and a Federal Tort Claim Act ("FTCA") action for monetary damages alleging medical staff

acted negligently by failing to provide him with an MRI for his complaints regarding back pain. Plaintiff named as Defendants, Dr. David Ball, the United States of America and the following Bureau of Prisons (BOP) employees: National Inmate Appeals Administrator Ian Conners, former Regional Director Michael Carvajal, Assistant Health Services Administrator Ryan Parkyn, Warden Stephen Spaulding, Dr. Thomas Cullen, and Physician Assistant Beth Zalno. Id. Presently pending in this action is Defendants' motion for summary judgment. The motion has been fully briefed and is ripe for disposition.

On May 21, 2020, Plaintiff filed Rhines v. United States, et al., Civil No. 3:20-cv-0825, a Bivens and FTCA action which names the same Defendants, seeks the same monetary and injunctive relief and concerns the same medical treatment for the same medical issues as raised in Rhines v. Ball, et al., Civil No. 3:18-cv-1643. Thus, the Court finds these cases appropriate for consolidation.

Accordingly, **IT IS HEREBY ORDERED THAT:**

1. Defendants' motions to consolidate the above captioned actions (Docs. [25](#), [115](#)) are **GRANTED**.

2. The Clerk of Court is **DIRECTED TO CONSOLIDATE** Civil Action No. 3:20-cv-0825 into Civil Action No. 3:18-cv-1643.
3. The Clerk of Court is directed to **CLOSE** Civil Action No. 3:20-cv-0825.
4. The filings, including the parties' dispositive motions, from 3:18-cv-1643 are to be construed as responsive to the allegations set forth in 3:20-cv-0825.

s/ Malachy E. Mannion
MALACHY E. MANNION
United States District Judge

Date: November 5, 2020

20-0825-03